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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,879	07/09/2003	Robert Choi	KRN 318B	3422

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EXAMINER

CARTAGENA, MELVIN A

ART UNIT PAPER NUMBER

3754

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/617,879

Applicant(s)

CHOI ET AL.

Examiner

Melvin A. Cartagena

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 30-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9122003, 10222004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-29, drawn to a personal hydration system, classified in class 222, subclass 175.
  - II. Claims 30-36, drawn to quick-connect kit, classified in class 385, subclass 305.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because threaded connector can be use to connect the multiple components downstream the reservoir. The subcombination has separate utility such as quick connecting garden hoses.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with David D'Ascenzo on April 4, 2005 a provisional election was made without traverse to prosecute the invention of I, claims 1-29. Affirmation of this election must be made by applicant in replying to this Office action. Claims 30-36 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6, 14-24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,816,457 to Croft.

Croft shows hydration system 10 as seen in Figs. 3-7, having a reservoir 20 housed in a housing 15, a fill station 22, an elongated downstream assembly 11 connected by quick connector 40 to a hollow drink tube, as seen in Fig. 2, and a bite actuated valve and mouth piece 14, an inline filter, see column 3, lines 54-59, a quick male coupling member “a” with a shaft that ends in a tip 40a on one end, a distal tip 44 on the other end and a mount 43, a quick female coupling “b” with an opening sized to received the tip of the male coupling, having a port 54 and a mount 53, a lock member 51 biased in a lock configuration, see column 3, lines 61-65, a second pair of male coupling members 12 and female coupling members 12F sharing a common housing with the elongated assembly 11.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,816,457 to Croft in view of US 5,356,183 to Cole.

Croft shows all claimed features as discussed above, Croft is silent about the locking ring made of a resilient material. Cole shows a quick connect coupling as seen in Figs. 6 and 7, where the locking ring 3" with retaining arms 30" and 31" is made of a resilient material, see column 1, lines 58-68. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to substitute the locking ring an spring of the device of Croft for a locking ring made of a resilient material as taught by Cole to reduce the number of parts for the coupling locking mechanism and improve the coupling reliability.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,816,457 to Croft as modify by US 5,356,183 to Cole as applied to claim1 above, and further in view of US 2,263,293 to Ewald.

The Croft-Cole combination show all claimed features as discussed above except for a guard that extends partially around the coupling. Ewald shows a quick connect coupling with a guard sleeve 31 partially around the coupling. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the device of the Croft-Cole

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combination to include a guard sleeve as taught by Ewald to prevent the coupling from accidentally coming a part during manipulation of the system.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,816,457 to Croft in view of US 5,115,947 to McDonnell.

Croft shows all claimed features as discussed above except for one of the attachments being a pump. McDonnell shows a collapsible water tank with an pump attachment 25, as seen in Fig. 1. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to use a pump as an attachment in the device of Croft as taught by McDonnell to provide a portable water tank that can easily be carried by a firefighter when the device is use for combating forest or bush fires.

12. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,816,457 to Croft in view of US 5,895,537 to Campbell.

Croft show all claimed features as discussed above except for one of the attachments being a chemical resistant mask with a liquid tube. Campbell shows chemical resistant mask, as seen in Figs. 1 and 2, with a liquid feed tube 30. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to make the device of Croft with a chemical resistant material to be use with a chemical resistant mask having a feed tube as taught by Campbell to protect a user exposed to hazardous environments containing substances capable of attaching masks made with conventional agents while the user can consume nourishment liquids without the risk of exposing the user to any harmful chemicals.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin A. Cartagena whose telephone number is (571) 272-4924. The examiner can normally be reached on M-F (7:30AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (571) 272-4906. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAC 4/29/05  
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